

while giving due consideration to the claims of those seeking to be included on the roll.

SEC. 8(C). PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY.

Sec. 8(c)(1) Roll: The sole purpose of the roll established by the Commission is to compile a list of those qualified Native Hawaiian constituents who can take part in the initial reorganization of a Native Hawaiian government.

Sec. 8(c)(1)(C)(III): Permits elderly Native Hawaiians and other qualified Native Hawaiian participants lacking birth certificates or other documentation due to birth on Hawaiian Home Lands or other similar circumstances to establish lineal descent by sworn affidavits from two or more qualified Native Hawaiian participants. This provision was included to address cases of hardship, and is not expected to be applied routinely. The Hawaii Congressional Delegation anticipates that the Commission will establish specific prerequisites allowing individuals to demonstrate that they are unable to obtain a birth certificate.

Sec. 8(c)(1)(I): Directs the Commission to publish the notice of the certification of the roll "regardless of whether appeals are pending." This provision is meant to ensure that challenges to the roll do not delay organization of the Native Hawaiian governing entity. The Hawaii Congressional Delegation emphasizes the importance of the deadlines established by this legislation. Barring unusual circumstances, the existence of pending disputes as to the inclusion of particular individuals on the roll should not be allowed to delay the reorganization process set forth in this section.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY TO STATE OF HAWAII; GOVERNMENTAL AUTHORITY AND POWER; NEGOTIATIONS; CLAIMS

Congressman Abercrombie has also extensively discussed Section 9 of H.R. 2314. To supplement his remarks, I would like to add that "Indian country" is a term codified by federal statute (18 U.S.C. 1151). Although section 1151 defines "Indian country" for the purpose of delineating the scope of federal criminal jurisdiction over Indians, the Supreme Court has applied the definition to determine the scope of tribal territorial jurisdiction, as well (*Alaska v. Native Village of Venetie*, 522 U.S. 520, 527 (1998); *DeCoteau v. District County*, 420 U.S. 425, 427, n.2 (1975)).

Because section 1151 expressly refers to "Indian country," "Indian reservation[s]," "dependent Indian communities," and "Indian allotments"—but never refers expressly to "Native Hawaiians" or to the "Native Hawaiian governing entity"—the bill neither creates nor recognizes any "Indian country" within the State of Hawaii (See Sec. 10(c)(2)). The scope of the Native Hawaiian governing entity's jurisdiction could be changed by further legislation, including legislation enacted to implement an agreement negotiated under paragraphs (1) and (2) of section 9(c).

Likewise, the Secretary of Interior lacks statutory authority to take land into trust on behalf of the Native Hawaiian sovereign. Such authority will only exist if Congress specifically provides for it in future legislation. Nor would such territorial jurisdiction arise by another method, absent express Congressional direction.

There has been extensive litigation relating to land claims, claims for money damages, and other types of claims, dating back at least to 1910 (*E.g.*, *Hawaii v. OHA*, 129 S. Ct. 1436 (2009); *Han v. Department of Justice*, 824 F.

Supp. 1480, 1486 (D. Haw. 1993), *affd*, 45 F.3d 333 (9th Cir. 1995); *Keaukaha-Panaewa Community Ass'n v. Hawaiian Homes Comm'n*, 588 F.2d 1216, 1224 n. 7 (9th Cir. 1979); *Naiwiona Kupuna O mokapu v. Dalton*, 894 F. Supp. 1397 (D. Haw. 1995); *Liliuokalani v. United States*, 45 Ct. Cl. 418 (1910). See also *Burgert v. Lokelani Bernice Pauahi Bishop Trust*, 200 F.3d 661 (9th Cir. 2000); *'Ohana v. United States*, 76 F.3d 280 (9th Cir. 1996); *Price v. Akaka*, 3 F.3d 1220 (9th Cir. 1995); *Ualeo v. Paty*, 902 F.2d 1395 (9th Cir. 1990); *Territory v. Kapiolani*, 18 Haw. 640, 645–46 (1908); *Territory v. Puahi*, 18 Haw. 649 (1908); *Bush v. Watson*, 918 P.2d 1130 (Haw. 1996); *Aged Hawaiians v. Hawaiian Homes Comm'n*, 891 P.2d 279 (Haw. 1995); *Bush v. Hawaiian Homes Comm'n*, 870 P.2d 1272 (Haw. 1994); *Pele Defense Fund v. Paty*, 837 P.2d 1247 (Haw. 1992)).

The Hawaii Congressional Delegation envisions that issues concerning asserted historic or moral claims may be the subject of negotiations among the new Native Hawaiian governing entity, the State of Hawaii, and the United States, together with the other issues encompassed within the process set forth in section 9(c) of this Act, and that such negotiations will provide an appropriate forum in which to address these claims questions. H.R. 2314 will not limit claims by the Native Hawaiian governing entity that first arise after recognition of the Native Hawaiian governing entity.

In closing, I thank my colleagues for their votes in support of Native Hawaiians, who, like American Indians and Alaska Natives, have an inherent sovereignty based on their status as indigenous, aboriginal people. Mahalo nui loa (thank you very much).

TRIBUTE TO J. WILLIAM "BILL" TAYLOR

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a good friend, Cheraw, South Carolina's 2009 Citizen of the Year, Mr. J. William "Bill" Taylor. Mr. Taylor received the Cheraw Chamber of Commerce's award last November.

Bill Taylor was recognized with this distinguished honor for the tremendous work he has done for nearly 29 years as Cheraw's town administrator. He has served in the post under four mayors and numerous members of the town council. Another longtime personal friend, Howard Duvall, the former Cheraw Mayor who hired Bill in May 1981, presented the Citizen of the Year award to him.

Duvall characterized Bill's greatest strength as his management style. He has instilled loyalty and respect among his staff, which has resulted in low turnover and many department heads who have worked for him nearly 20 years. Among his other accomplishments are erecting the Dizzy Gillespie statue honoring the hometown jazz legend, and the development of the Carolina Centre Industrial Park, the Cheraw Community Center, Arrowhead Park, and the Theatre on the Green. Bill earned a Bachelor's degree from Clemson University and a Master's in Public Administra-

tion from the University of Georgia. He came back to South Carolina to work for the Upper Savannah Council of Governments. He later worked for the city of Lancaster before becoming Cheraw's town administrator.

He is very involved in the community serving as a former president of the Cheraw Rotary Club, former chairman of the South Carolina Cotton Trail Committee, and as a former board member for the Girls Scouts of Eastern South Carolina. He is a current board member for the South Carolina Advanced Technology Education Center and is a member of the Cheraw Economic Development Corporation, the Carolinas Centre Industrial Park Corporation, and the Chesterfield County Extension Advisory Council.

Bill is also a member of a number of professional organizations including the Alliance for Innovation and the Governor's Drought Response Committee. He serves as the southeastern regional vice president for the International City & County Management Association and is a former member of the organization's executive board. He is also a former state president of the South Carolina City and County Management Association and is a graduate of the South Carolina Executive Institute. Bill and his beloved wife, Mindy, have three children—Olivia, Katie, and Brandon.

Madam Speaker, I ask you and my colleagues to join me in congratulating Bill Taylor on his selection as Cheraw's 2009 Citizen of the Year. This honor is recognition of his long commitment of service to his community and its people. I believe that the highest compliment you can be paid for your work is to be recognized by your peers. This award shows that Bill Taylor's peers appreciate his nearly 29 years of dedication and service. I am pleased to add my voice to those in Cheraw in thanking Bill Taylor for his tremendous contributions.

RECOGNIZING WOLCOTT MILL METROPARK

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 2010

Mrs. MILLER of Michigan. Madam Speaker, I rise today to honor and recognize Wolcott Mill Metropark in Ray Township, Michigan. On December 8, 2009, Wolcott Mill was listed on the National Historic Places Register thanks to the hard work of volunteer Kathie Lucas of Armada and Supervising Interpreter Bill Thomas.

Wolcott Mill Metropark is a 2,380 acre park which includes a 250 acre working farm, an 18 hole golf course, 10 miles of equestrian trails, and is the home of "Camp Rotary," a camping area for organized youth groups. In 1847 the namesake mill was built and continued operating as a grain grinder until 1967.

This machinery is still viewable and offers visitors an opportunity to see firsthand the importance of old mills and the antique farming equipment used.

I am proud to have Wolcott Mill Metropark in my congressional district and I congratulate the Huron-Clinton Metropolitan Authority on this historic occasion.

Madam Speaker, I ask my colleagues to join me in honoring Wolcott Mill Metropark and congratulating them on this recognition.